

HAYNES AND BOONE, LLP

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**Telecopy Transmittal**

**DATE:** Monday, August 18, 2003 12:18:22 PM

**Total Pages Including Cover:** 12

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**To:** Examiner Alvin J. Ste ~~Company:~~ USPTO  
**Telecopy #:** 1-703-746-3363 **Phone #:** 1-703-305-0277  
**Client/Matter #:** 31132.59

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**FROM:** Haynes and Boone, LLP  
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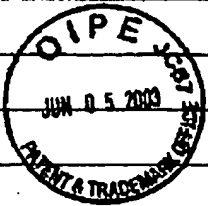

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**MESSAGE:**

Per our phone conversation on August 18, 2003, please find attached a copy of our response to Final and a copy of the returned postcard. We understand that the delay in the Advisory Action is not our fault and that there will be no monetary penalties. We look forward to your response.

Best regards,  
Theresa Ford  
Paralegal for Mr. David O'Dell  
972-739-8661

**Confidentiality Note:** The information contained in this facsimile message is privileged and confidential and is intended only for the use of the addressee. The term "privileged and confidential" includes, without limitation, attorney-client privileged communications, attorney work product, trade secrets, and any other proprietary information. Nothing in this facsimile is intended by the attorney or the client to constitute a waiver of the confidentiality of this message. If the reader of this message is not the intended recipient, or employee/agent of the intended recipient, you are hereby notified that any duplication, or distribution of this communication is unauthorized. If you have received this message in error, please notify us by telephone immediately so that we can arrange for the return of the original documents to us at no cost to you.

<b>DESCRIPTION OF PAPER</b>		Response to April 15, 2003 FOA; Transmittal Sheet (in duplicate); and Return Postcard were received in the U.S. Patent Office on the date stamped hereon.	
		<b>RECEIVED</b>	
		JUN 17 2003	
		HAYNES & BOONE LLP.	
<b>APPLICANT</b>	Bryan et al.		
<b>SERIAL NO.</b>	09/776,394	<b>DATE FILED</b>	February 2, 2001
<b>ATTORNEY DOCKET NO.</b>	31132.58		
<b>TITLE</b>	Human Spinal Disc Prosthesis		
<b>SENDER'S INITIALS</b>	DMO/bb	<b>DATE MAILED</b>	6-2-03 

Attorney Docket No. 31132.59/PC904.03  
CUSTOMER NO. 27683

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:	§	
Bryan et al.	§	Customer No. 27683
	§	
Ser. No.: 09/776,394	§	Group Art Unit 3738
	§	
Filed: February 2, 2001	§	Examiner: Stewart, Alvin J.
	§	
For: HUMAN SPINAL DISC PROSTHESIS	§	

TRANSMITTAL

Mail Stop AF  
Commissioner For Patents  
P. O. Box 1450  
Alexandria, VA 22313-1450

Sir:

Enclosed are the following documents regarding the above-identified patent application:

1. Response to April 15, 2003 Final Office Action;
2. This transmittal in duplicate; and
3. Return postcard.

The Commissioner is hereby authorized to charge payment of any further fees associated with any of the papers submitted herewith or to credit any overpayment to Deposit Account No. 08-1394.

Respectfully submitted,




David M. O'Dell  
Registration No. 42,044

Dated: June 2, 2003

HAYNES AND BOONE, L.L.P.  
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I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to the Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450 on June 2, 2003.

  
Bonnie E. Boyle

R-48692\_1.DOC

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re application of:	§	
Bryan et al.	§	
Serial No.: 09/776,394	§	Group Art Unit: 3738
Filed: February 2, 2001	§	
For: HUMAN SPINAL DISC PROSTHESIS	§	Examiner: Stewart, Alvin J.
	§	
	§	

**RESPONSE TO FINAL OFFICE ACTION**

Mail Stop AF  
Commissioner For Patents  
P.O. Box 1450  
Alexandria, VA 22313

Dear Sir:

In response to the Final Office Action mailed April 15, 2003, please consider the following amendments and remarks:

**In the claims:**

Please cancel claim 16 and amend the following claims:

4. (Amended Four Times) A method of surgery comprising:
- forming concave, non cylindrical surfaces in the endplates of confronting vertebral bodies;
- inserting between the formed concave surfaces an intervertebral disc endoprosthesis including:
- confronting supports, each support having an exterior convex surface adapted to mate with one of the formed concave surfaces; and
- a resilient body interposed between the supports;
- prior to forming the concave, non cylindrical surfaces in the vertebral body endplates, implanting at least one anchor into a hole having a predetermined position in an anterior surface of at least one adjacent vertebral body; and